

Appl. No. 10/766,989

Docket No. 1232-5267

Reply to Office Action dated December 16, 2005

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

Claim Status

Claims 1-5 are pending and stand rejected. By this paper, claims 1 and 5 are amended and new claim 6 is added. No new matter has been introduced.

Claim Rejections under 35 USC §§ 102 and 103

Claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by U.S.P. 6,364,446 to Ishikawa et al. ("Ishikawa"). Claim 5 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S.P. 4,872,026 to Rasmussen et al. ("Rasmussen"). Claims 2-4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishikawa in view of Rasmussen.

Applicant respectfully disagrees with the characterization of the cited references and of the claims in the above rejections and believes that the claims as pending are patentably distinct from the art of record. Applicant respectfully traverses the stated rejections.

Nonetheless, Applicant has herein amended independent claims 1 and 5 to clarify the claimed invention. The invention as recited in the claims presented herein is believed to be patentably distinct over the art of record in this case for at least the following reasons.

More specifically, claim 1 was amended by modifying the control means recitation to clarify that the preliminary ejecting operation is performed during a part of period of the performance of the print medium feeding and conveying operation. Also, claim 5 (a method claim) has been amended in correspondence to apparatus claim 1. Further, new claim 6 depending from claim 1 has been added.

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Ishikawa and Rasmussen each disclose devices comprising a print medium feeding means, print medium conveying means and means for performing preliminary ejecting operation. However, neither the device of Ishikawa or Rasmussen have a structure appropriate for control means which providing control such that the preliminary ejecting operation is performed during a part of period of the performance of the print medium feeding and conveying operation in parallel, as claimed.

Thus, at least the foregoing feature of claim 1 and 5 is neither taught nor suggested by Ishikawa and/or Rasmussen.

Applicant has not independently addressed the rejections of the dependent claims because Applicant submits that, as independent claim 1 from which the dependent claims depend is allowable for at least those reasons discussed supra, the dependent claims, including claim 6 added herein, are allowable for at least similar reasons. Applicant however, reserves the right to address such rejections should such be necessary.

Accordingly, for at least the foregoing stated reasons, independent claims 1 and 5 and the claims dependent therefrom, including new claim 6, are believed to be neither anticipated by nor rendered obvious in view of, and thus patentably distinct over, Ishikawa or Rasmussen, taken alone or in combination.

CONCLUSION

In view of the foregoing, Applicant respectfully submits that all claims as presented herein are allowable over the art of record for at least the stated reasons and that the application is hereby placed in condition for allowance which action is respectfully requested.

While no fees or extension of time are believed necessary for this Amendment, should an extension of time be required for the timely submission of this paper, such extension is

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hereby petitioned, and the Commissioner is hereby authorized to charge any additional fees which may be required for this paper, or credit any overpayment, to Deposit Account No. 13-4500, Order No. 1232-5267.

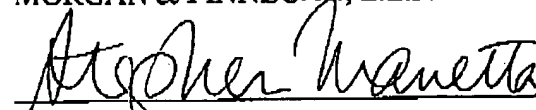
In the event that a telephone conference would facilitate prosecution, the Examiner is invited to contact the undersigned at the number provided.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: March 14, 2006

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